



BRETHERTON ENDOWED CE PRIMARY SCHOOL
Parental equality and responsibility (separated/absent parents)
2023

Walking in the footsteps of Jesus with our Christian family, we learn, grow, achieve and flourish together in God's love.

This policy is for Bretherton Endowed CE Primary School and The Hub, Bretherton Endowed Out of School Provision.

The Government's guidance on Parental Responsibility states that, "School and local authority staff must treat all parents equally, unless there is a Court order limiting an individual's exercise of parental responsibility."

There is also a requirement placed on schools by The Education (Pupil Registration) (England) Regulations 2006 to keep an admission register (including the name and address of every person known to the proprietor of the school to be a parent of the pupil). It is our school policy to ensure that separated parents are treated equally.

Court Orders

Court orders under section 8 of the Children Act 1989 (often called section 8 orders) settle areas of dispute in relation to the exercise of parental responsibility or a child's care or upbringing, and can limit how an individual exercises their parental responsibility.

There are two types of section 8 orders which can be made to address particular issues:

- A prohibited steps order imposes a specific restriction on the exercise of responsibility. This means that no step specified by the Court, which a parent could take in meeting his/her parental responsibility, can be taken without the consent of the Court. For example: one parent wants to take the child abroad for an extended period or prevent the child from attending a form of religious worship, against the wishes of the other parent.
- A specific issue order is an order giving directions for the purpose of determining a specific question which has arisen, or may arise, in connection with any aspect of parental responsibility. For example: an order allowing one parent to agree to a pupil changing school against the wishes of the other parent.

A child arrangements order is also a section 8 order and sets out the arrangements relating to who a child is to live with and when, and arrangements relating to who a child is to spend time with or otherwise have contact with. It replaces the former residence and contact orders.

Parents should therefore ensure that our school is provided with a copy of the most recent Court order in place, so that the school's duties in respect of child safeguarding are supported.

Schools should note that a Court order limiting a parent's exercise of their parental responsibility does not necessarily prevent or restrict a school from continuing to carry out their duties under education law (see below for examples).

While such cases are rare, in very limited circumstances, the Court can also make an order to terminate parental responsibility (that has been acquired) under section 4(3) of the Children Act 1989. More information about Court orders and pre-proceedings is available in this DFE document ([click link](#))

Information sharing

Bretherton Endowed CE Primary school would like to make all resident parents aware that the other parent is entitled to be involved in their child's education and we request that information is passed on.

However, we can do nothing more if the resident parent refuses to share information with the other parent and also refuses to provide contact details so that the school can deal direct with the non-resident parent.

It should be noted, however, that the resident parent may be genuinely unaware of the non-resident parent's whereabouts. If the non-resident parent subsequently contacts us and requests access to information, the school will provide it to that parent direct, after taking reasonable steps to satisfy ourselves that the individual is, in fact, the child's parent.

Therefore, if you are a non-resident parent, with no court order limiting your exercise of parental responsibility and you are not receiving regular information, please contact the school so that we can add your name to the **Absent Parent Register**.

It is important that Bretherton, like all schools, balances the requests of parents with our legislative duties. Having parental responsibility does not allow a parent to obstruct our school from carrying out our duties under legislation. For example: a natural parent, with parental responsibility, informs their child's local authority maintained school that they do not wish their child's step-parent, who does not have parental responsibility but does have care of the child, to receive educational information about that child. The school should inform the natural parent that they cannot comply with that request.

Under The Education (Pupil Information) (England) Regulations 2005, schools are required to provide access to, or copies of a child's educational record to parents upon request. Therefore, if the school were to abide by the request of the natural parent they would be in breach of their obligations under education law.

To note: under the principles of the Data Protection Act 1998 (the DPA 1998), children and young adults can assume control over their personal information and restrict access to it, should they be of sufficient age or maturity to exercise their will in this matter. However, this control is not extended to cover information which is held within a pupil's educational record.

Parents are entitled to request access to, or a copy of their child's educational record, even if the child does not wish them to access it. This applies until the child reaches the age of 18. This is however, subject to information that the school could not lawfully disclose to the child him/herself under the DPA 1998 or in relation to which the child him/herself would have no right of access under that Act.³

Parentpay communication

If no court order is in place, it is essential that both parents, if separated, sign up to our school's Edenred system (see main parental involvement section). In this way, we can ensure that both parents will receive electronic copies of whole school letters, including weekly newsletters plus information which is specific to your child's class, for example, school educational visit letters.

Parents' Evening appointments and meetings

At Bretherton, there is provision for both parents to attend parents' evening separately if requested. However, we do believe that it is beneficial for your child if you both attend together, if this is a possibility. This also applies to any meetings about your child, for example, related to learning, behaviour or well-being.

Consent

In line with DFE advice, where we need parental consent to outings and activities, we will seek the consent from the resident parent unless the decision is likely to have a long-term and significant impact on the child, or the non-resident parent has requested to be asked for consent in all such cases.

In cases where we consider it necessary or we have been asked to seek consent from both parents, it is best for the school to assume that parental consent has not been given unless both parents have given consent. Such an approach ensures that the school has treated the views of each parent equally and will also help to safeguard the position of the school in terms of exposure to any potential civil liability where, for example, the child is injured while on a school trip. Schools should avoid becoming involved in any disagreement between parents.

However, we suggest that where parents cannot agree they seek independent legal advice about obtaining a Court order setting out exactly what decisions each parent can make in respect of the child (a Specific-Issue or Prohibited Steps Order as appropriate).

Consent for medical treatments

We may experience problems when a child has had an accident and consent may be needed for emergency medical treatment. The Children Act 1989 provides that people who do not have parental responsibility but nonetheless have care of a child may: '...do what is reasonable in all the circumstances of the case for the purpose of safeguarding or promoting the child's welfare'.

This would allow our schools to act 'in loco parentis', i.e. in place of a parent, or allow us to seek consent from a parent who may not hold parental responsibility.

The DFE advises that it would clearly be reasonable for a school to take a child who needs to have a wound stitched up to hospital, but the parents, including the non-resident parent who has asked to be kept informed of events involving the child, should be informed as soon as possible.

Requests to change a child's surname

A change of surname is a private law matter and should be resolved between parents. Where the parents have divorced, our school will ensure that the surname by which a child is known should not be changed without written evidence (independent of the parent seeking to make the change), that consent has been given by the 'other parent' or by anyone else who has parental responsibility for the child.

Regulation 5(1)(a) of the Education (Pupil Registration) Regulations 2006 requires a school to record the full name of every pupil in alphabetical order in the admissions register. This is generally interpreted to be the child's full legal name and not any other name that the child is known by.

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However, there may be circumstances where a name change has already been effected by the school and it would not be in the best interests of the child, who might be known by a new name, to refer back to a different name.

Ultimately it is a matter of policy for the school to decide but the best interests of the child must be the paramount consideration when making a decision. Where a child is subject to a special guardianship order there are particular considerations in cases where a school receives a request to use a different surname for a pupil.

Section 14C(3) of the Children Act 1989 (CA 1989) states that: ‘While a special guardianship order is in force with respect to a child, no person may cause the child to be known by a new surname.....without either the written consent of every person who has parental responsibility for the child or the leave of the court.’

Schools must therefore decline requests from special guardians for a child to be known by a different surname unless the above criteria are met.

More information can be found on the UK Deed Poll Service site (click to access site)

Parent Governor elections

We will not restrict eligibility to nominate, vote or otherwise participate in parent governor elections, to parents holding parental responsibility.

Under the School Governance (Constitution) (England) Regulations 2012, ‘parent’ includes not just those with parental responsibility but natural parents and anyone who cares (or has cared for) a child.

Schools should contact the National Governors Association if they require further advice on this issue.

This policy will be reviewed: Spring 2025

Approved by Governors: Spring 2023

Signed by Chair of Governors

Date.....

All aspects of our policy intends to comply within the Data Protection (GDPR) legislation.



Headteacher : Mrs Alison Moxham Chair of Governors : Mrs P Aspden www.brethertonschool.org.uk